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NOTES OF CASES.

MARRIAGE AND DIVORCE—PLEADING.—Adultery of plaintiff is held, in *Decker v. Decker* (Ill.), 55 L. R. A. 697, to be properly set up in the answer in a proceeding for divorce for cruelty and impotency, and it is not necessary to file a cross bill for that purpose.

MARRIAGE AND DIVORCE.—ADULTERY SUBSEQUENT TO DECREE A MENSA. Subsequent adultery of a wife is held, in *Cariens v. Cariens* (W. Va.), 55 L. R. A. 930, to discharge the husband from the payment of alimony awarded to the wife under a decree of divorce *a mensa et thoro*.

MINES AND MINERALS—WASTE.—The opening of mines and mining of coal by the owner of a determinable fee in property of which the coal constitutes the chief value is held in *Gannon v. Peterson* (Ill.), 55 L. R. A. 701, not to be such waste as can be enjoined by the owners of the expectancy, who claim under an executory devise.

MASTER AND SERVANT—TORT OF SERVANT—SCOPE OF EMPLOYMENT.—The act of a servant of a railroad company instructed to watch a station and catch burglars, in mistaking a coemployee for a burglar and shooting him through want of proper care is held, in *Lipscomb v. Houston & T. C. R. R. Co.* (Tex.), 55 L. R. A. 869, to render the company liable.

MUNICIPAL CORPORATIONS—SURFACE WATER.—The gathering of surface water from the streets of a township, and turning it out of its course in such quantities that the gutters are inadequate to carry it, so that it overflows and injures private property in the vicinity, is held, in *McAskill v. Hancock* (Mich), 55 L. R. A. 738, to render the township liable.

MONOPOLIES—CONSPIRACY—RIGHT OF ACTION.—A retail coal dealer injured by a combination between wholesalers and favored retailers to monopolize the business, enhance prices, and drive other retailers out of the business, is held in *Hawarden v. Youghiogheny L. Coal Co.* (Wis.), 55 L. R. A. 828, to have a right of action against the conspirators for the damages caused thereby.

LIBEL BY CORPORATION—EXPIRATION OF CHARTER.—An action for libel against a corporation, which abates by the expiration of the corporate charter, is held, in *Shayne v. Evening Post Pub. Co.* (N. Y.), 55 L. R. A. 777, to be properly revived against the trustees of the dissolved corporation in office at the time of dissolution.

See Va. Code, sec. 1103.

ANIMALS—INJURY BY DOGS.—That an assault committed by a dog in jumping upon a stranger and injuring him resulted merely from its mischievous or playful propensity is held, in *Crowley v. Groonell* (Vt.), 55 L. R. A. 876, not to

absolve the owner from liability, if he knew of its disposition to commit such injuries, or knew enough of its habits to convince a man of ordinary prudence of its inclination to commit them.

INFANTS' CONTRACTS—PLEADING.—To maintain an action against an infant for the value or food and lodging furnished to it, it is held, in *Goodman v. Alexander* (N. Y.), 55 L. R. A. 781, not to be necessary to state in the declaration that defendant had no father, or other person standing *in loco parentis* who could support it, either at common law or under a statute requiring the complaint to contain a plain and concise statement of the facts constituting the cause of action.

STREET RAILWAYS—NEGLIGENCE—INJURY TO PASSENGER BY STRIKERS.—A street railway company is held in *Fewings v. Mendenhall* (Minn.), 55 L. R. A. 713, not to be guilty of negligence in attempting to operate its cars during a strike of its employees unless the conditions are such that it ought to know that it cannot do so and at the same time guard from violence, by the exercise of the utmost care on its part, those who accept its implied invitation to become passengers.

CORPORATIONS—WASTE OF ASSETS—LIABILITY OF DIRECTORS.—Directors of a corporation are held, in *Bosworth v. Allen* (N. Y.), 55 L. R. A. 751, to be charged with the duties of trustees, and to be liable to account in equity, the same as ordinary trustees for a violation of their duty resulting in waste of the assets by the corporation, injury to its property, or unlawful gain to themselves.

A note to this case reviews the authorities on liability of the directors of a corporation to the corporation.

PARENT AND CHILD—AGREEMENT TO COMMIT TO ANOTHER.—A father who has committed the custody of his infant child to another person by agreement to be maintained and cared for, which agreement has been acted upon by such other person, is held in *Fletcher v. Hickman* (W. Va.), 55 L. R. A. 896, to be bound by the agreement, unless he can show that the change of custody will plainly promote the child's welfare.

See *Stringfellow v. Somerville*, 95 Va. 701.

MUNICIPAL CORPORATIONS—LEGISLATIVE CONTROL.—An unconstitutional deprivation of local self-government is held in *Redell v. Moores* (Neb.), 55 L. R. A. 740, not to be made by a statute creating a board of fire and police commissioners for cities of the metropolitan class, and placing power of appointment thereto in the governor, since the power to create municipal corporations which is vested in the legislature implies the power to impose upon them such limitations as the legislature may see fit.

PHYSICIANS—UNIFORMITY OF LAWS—DISCRIMINATION.—A legislative enactment which discriminates against osteopathists, by requiring them to hold diplomas from a college which requires four years of study as a condition to their obtaining limited certificates, which will not permit them to prescribe drugs or